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In The

SUPREME COURT OF THE UNITED STATES

October Term, 1994

MARIAN B. GREER andBARBARA GREER

Petitioners,

vs.

LANDMARK BANCSHARES OF ILLINOIS, INC.,
LANDMARK BANK OF RANDOLPH COUNTY,

Respondants.

PETITION FOR A WRIT OF CERTIORARI
TO THE SUPREME COURT OF ILLINOIS
AND TO THE STATE OF ILLINOIS
APPELLATE COURT FIFTH DISTRICT

PETITION FOR A WRIT OF CERTIORARI

ORAL
ARGUMENT
REQUESTED

Marian B. Greer and
Barbara Greer
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EDITOR'S NOTE

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QUESTIONS PRESENTED

1. Can a review of a case of First Impression be denied to petitioners by the State Courts of review be - cause the issue was brought by natural persons appearing in their own hehalf?

2. Can an entity that is not licensed to practice law and is not registered to do business in the State of Illinois lawfully appear for and represent an- other artificial entity in a Court of Law in the State of Illinois?

3. Are artificial entities, partner- ships, firms and law offices immune from Constitutional law, Statute law, or Supreme Court Rules?

4. Are the Judges and the Courts of the State of Illinois BOUND by the Constitution of the United States , the Constitution of the State of Illinois, and the Statute Laws of the

State of Illinois?

5. Are artifically created entities bound by the Statutes of the State of Illinois?

6. Is an artifically created entity that has no lawful existance entitled to the same United States Constitutional Rights, and Illinois Constitutional Rights as a natural person who is a citizen in the State of Illinois.

7. Can a right that is provided by the United States Constitution and the Constitution of the State of Illinois be denied by use of a Statute of the State of Illinois invoked by a non-licensed entity representing a litigant?

8. Is it discrimination for the Courts of the State of Illinois to allow entities who have done nothing to establish a lawful existence and are not licensed for the practice of law, to practice law in

Illinois and deny Citizens of Illinois the same right to practice law, as natural persons, without being licensed for that purpose.

LIST OF PARTIES

In addition to petitioners Marian B. Greer and Barbara Greer the only other parties to the appeal before the Illinois Supreme Court and the Appellate Court of Illinois Fifth District, whose decisions is sought to be reviewed, was Landmark Bancshares of Illinois, Inc., and Landmark Bank of Randolph County, Appellees.

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PETITION FOR A WRIT OF CERTIORARI
TO THE SUPREME COURT OF ILLINOIS
AND TO THE STATE OF ILLINOIS
APPELLATE COURT FIFTH DISTRICT

Petitioners Marian B. Greer and Barbara Greer respectfully request that a Writ of Certiorari be issued to review the judgment of the Supreme Court of Illinois of January 18, 1995, and the State of Illinois Appellate Court of the Fifth District entered July 13, 1994, which affirmed the decision of the Circuit Court of the Third Judicial Circuit Madison County, Illinois.

OPINIONS

The Supreme Court of Illinois denied Petiltioners Petition for Leave to Appeal to the Supreme Court from the Appellate Court of Illinois

Fifth District and NO Opinion was given.

The Appellate Court of Illinois Fifth District issued a summary Order affirming the decision of the Third Judicial Circuit Court of Madison, Co., Illinois. No Opinion was given or published.(see APPENDIX A&B)

STATEMENT OF JURISDICTION

A petition for rehearing was denied August 24, 1994. A Petition for leave to appeal to the Illinois Supreme Court was denied and a Motion To Reconsider Petition For Leave To Appeal was denied January 18, 1995. The jurisdiction of this Court to review the Judgment by Writ of Certiorari is invoked pursuant to 28 U.S.C. 1254 and 2104.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fifth Amendment To The United States Constitution Provides:

> No person shall---- be deprived of life, liberty, or property without due process of law.

Article I Section 2 of the Constitution of The State of Illinois Provides:

> No person shall be deprived of life, liberty or property without due process of law-----.

Article I Section 12 of the Constitution of the State of Illinois provides:

> Every person shall find a certain remedy in the law for all injuries and wrongs which he receives to his person, privacy, property or reputation, he shall obtain Justice by law, freely, completely, and promptly.

Article I Section 13 of the Constitution Of The State of Illinois provides:

> The right of trial by jury as here to fore enjoyed shall remain inviolate.

The Seventh Amendment To The United States Constitution provides:

In suits at common law, where the value in controversy shall -exceed twenty dollars, the right of trial by jury shall be preserved,---

705 Illinois Compiled Statutes

205;1 (1) provided]

No person shall be permitted to practice as an attorney or counselor at law within this State without having previously obtained a license for that purpose from the Supreme Court of this State.

It Further Provides]

No person shall receive any compensation directly or indirectly for any legal services other than a regularly licensed attorney.

Article VIII Illinois Rules of

Professional conduct provides;

"Person" denotes natural person, partnership, business corporations, not-for=profit corporations, public and quasi-public corp-orations, municipal corporations,

State and Federal Governmental bodies and agencies, or any other type of lawfully existing entity.

RULE 38 Federal RULES of Civil Procedure provides:

(a) Rights preserved. The right of Trial by jury as declared by the Seventh Amendment to the Constitution----shall be preserved to the parties inviolate.

705 Illinois Compiled Statutes 25/3 provides:

---. The ordinary and contingent expenses of operating the office of the clerks of the branches of the Appellate Court, including salaries, shall be determined by the Supreme Court----.

30 Illinois Compiled Statutes 220/12 provides:

---, and the respondent or appellee, before entering an appearance or filing any paper, shall pay to the clerk

of the Court the sum of $15,---

STATEMENT OF THE CASE

This case arises from what has been a long and tiresome nearly 11 years ordeal Plaintiffs, Petitioners Marian B. Greer and Barbara Greer (Greers) and their family have been subjected to in attempting to get relief from and finalize their affairs with Sparta State Bank, aka Eagle Bank of Randolph County,aka Landmark Bank of Randolph County, aka Magna Bank of Columbia, NOW known as Magna Bank of Illinois Defendent (Respondenat), resulting from a single note and mortgage transaction between Greers and Sparta State Bank on July 20, 1983.

The transaction was in dispute from day one due to the fact that the banker David Hume ursurped complete controll

over the loan proceeds paid out what he wanted to where ever he wanted and refused and failed to give any accounting to the Greers as to how the funds were distributed and what balance remained.

Greers contacted their attorney, who had assisted in negotiating the loan. He assured Greers it must be a simple mistake that banks don't operate that way. Time drug on and Greers continued to pressure the banker for an accounting and copies of the paper work of the loan transaction. Instead of giving an accounting, two days before the first payment the Greers had agreed to was due, the Respondent filed foreclosure (Perry County 84-CH-1) on the Greers and to Greers horror, the same Law Firm

that had represented Greers for more than 12 years and during this loan transaction, had now filed a foreclosure against them in behalf of the Respondent.

Greers hired another attorney who recommended and filed an automatic stay (chapter 11) in February, 1984, and represented to Greers that the Court would give them protection like a giant umbrella while it addressed the fraud, conspricy, and theft of Greers finds.

During the next 13 months, their attorney did nothing to protect Greers rights or to attempt to correct the problems. Greers dismissed their attorney, and allowed the Chapter 11 to be dismissed. Greers have since acquired documentation (through discovery) evidencing the Respondent buying off their attorney.

Greers hired a third attorney who reviewed the case prior to his being hired and represented to Greers that he would be able to represent their best interest, stop the foreclosure and get relief for them. Greers also instructed him not to allow Judge Bastine to hear the case. Judge Bastine had lost his eyesight in an accident and was declared legally blind. One of the issues concerned the Respondent altering the original note. Not only did he allow Judge Bastine to preside over the case, he also did not portect Grers right and allowed the foreclosure to proceed without the protection of any counter claim or affirmative defenses. Naturally the Respondent prevailed. Greers attorney assured them he could correct all the problems on appeal and filed an appeal 5-86-0717.

The appeal was ineffective because the only issues he raised were two INSIGNIFICENT ISSUES he raised in pleading in the Trial Court and the Appellate Court refused to hear the issues due to the fact that the pleadings had never been signed - the appeal was denied.

Greers requested the attorney withdraw from the case, and when he failed and refused to do so, Greers fired him in open Court before the Judge in a subsequent hearing July 23, 1987, which was after the attorney had alowed the foreclosure and creditors to take away all of Greers property. Sheriff deeds were issued to the Respondent and the Respondent was awarded a deficiency judgment in excess of $74,000.00.

Due to past experiences with attorneys, Greers had NO choice but to proceed pro se.

Greers filed a fraud suit against the Respondent in Madison County, Illinois, (headquarters of the BANK HOLDING COMPANY) 86-L-626 and pursued the case pro se through discovery, interrogatories and numerous pretrial motions. The Respondent was granted numerous continuences and the Judge had set a firm trial date and instructed the parties to be ready. The Respondent wanted to negotiate a global settlement with Greers and their family. Officers of the Respondent and Greers met in good faith and reached an agreement. The Respondent commissioned an attorney to reduce the agreement to writing. The first and second draft of the agreement were unacceptable and the

third draft was close to the terms agreed to by Greers and the Respondent and on the final settlement day, a Court Reporter was present to record the final agreements.

Greers also had an appeal pending (5-89-0384) that arose from a 2-1401 motion filed in Perry County, Illinois, cause No. 84-CH-1.

As a condition to the settlement agreement and for the Greers to get total global releases from the Respondent, Greers agreed and did dismiss the Fraud Suit 86-L-626 and the pending appeal 5-89-0384 (of case No. 84-CH-1).

Members of the Greers family gave releases to the Respondents for certain property and other good and valuable consideration.

Greers were to receive the ORIGINAL NOTE marked cancelled, the deficiency judgment was to be transferred to a Trust designated by Greers and it was

represented to Greers that the Respondent (by its officers) knew of no claim that had not been released against the Greers.

The Respondent failed to return the ORIGINAL NOTE to Greers, failed to file a transfer of the Greers judgment, and failed to release other claims against Greers at grain elevators. Greers filed a Motion in Madison County Cause No. 86-L-626 to set aside the dismisal and re-open the Fraud Suit. A hearing was held on the motion to see if the Court would allow the Fraud Suit to be reopened. The Court directed the Respondents attorney @Identify the note, attach the judgment to it, show the satisfaction or the judgment to be satisfied or whatever for this mans protection@,and denied the motion to

re-open the case. The Court also informed Greers they could still take stronger measures if the issue was not resolved. The Respondent failed to comply with that directive of the Court and failed and refused to release their filings of records against Greers.

To obtain relief, Greers filed a Breach Of Contract Suit (Madison County No. 92-L-806) which is the subject of this appeal. Respondents filed a motion to dismiss by and through their attorneys THOMPSON & MITCHELL.

Neither Defendant(Respondent) nor their attorney appeared at the first hearing set before Judge Moran.

Greers informed the Court no attorney had filed an appearance. Judge Moran paged the Court room. No one answered

for Respondents and he set a hearing for a later date. Kevin Stine attended that hearing for THOMPSON & MITCHELL to represent Respondents. Greers objected - cited non-existence of THOMPSON & MITCHELL and no appearance by attorney. Judge Moran instructed Greers and Kevin Stine to go into the hallway and try to reach settlement. In the hall way Kevin Stine stated he had NO authority to negotiate for Respondents. Greers returned to the Court Room and reported what Kevin Stine stated. Judge Moran then recused himself off of the case. Case was sent to Judge Byrom (who had presided over 86-L-626). Judge Byron immediately recused himself off of the case. Case was then assigned to Judge P.J.O'Neil. Judge O'Neil allowed Motion To Dismiss to stand as an entry of appearance

by THOMPSON & MITCHELL in spite of Greers objection as THOMPSON & MITCHELL being a non-licensed, non-registered, and not lawfully able to practice law.

Greers acquired evidence and admission and filed it in the record to prove that THOMPSON & MITCHELL was an entity that did not lawfully exist, and as such it was not and could not be licensed to practice law.

Kevin Stine stipulated in a Court Order that THOMPSON & MITCHELL was **not** registered to do business in St. Clair County where they have their office. This stipulation in a Court Order is found at C82 of the record on appeal.

Greers filed (in the record) a certificate from the Secretary of State of Illinois and a letter from the Clerk of the Supreme Court of Illinois that THOMPSON & MITCHELL was not registered

to do business in the State of Illinois and not licensed by the Supreme Court of Illinois. These documents are found at C94 and C95 in the record on appeal.

Judge O Neil ignored Greers evidence and ruled that he didn't care if they were legal or not, they could practice in that Court anyway.

Judge O Neil then granted Respondents partial Motion To Dismiss, denied Greers Motion To Reconsider and denied Greers Motion For Summary Judgment.

Judge O Neil then granted Respondents Motion For Summary Judgment, which denied Greers rights to a jury trial, denied Greers Constitutional right to due process of law, and in effect denied Greers any remedy at law. THE FEES GREERS PAID TIMELY TO RECEIVE A JURY TRIAL HAS NEVER BEEN REFUNDED TO Greers.

The Order on October 29, 1993, was made final enforcible and appealable.

Greers appealed to the Appellate Court for the Fifth District of Illinois case No. 5-93-0784 and raised the following issues;

1. The Trial Court Judge errored in allowing a non-licensed, non-registered partnership (law firm) to practice law.

2. The Trial Court Judge errored in granting partial Motion To Dismiss filed by THOMPSON & MITCHELL on behalf of the Defendants.

3. The Trial Court errored in denying Plaintiffs Motion To Reconsider.

4. The Trial Court Judge errored by denying the Plaintiffs Motion For Summary Judgment.

5. The Trial Court Judge errored by granting Motion For Summary Judgment brought by THOMPSON & MITCHELL on behalf of Defendants.

6. The Trial Court Judge errored by denying Plaintiffs a trial by jury.

7. The Trial Court Judge errored by granting attorney fees to Defendants.

Due to the nature of the issues raised on appeal, Greers filed and served upon each Appellate Judge a Motion For a Declaration Of Impartiality and of Non-Conflict of Interest. The motion was denied by an UNSIGNED ORDER from the Appellate Court.

Greers filed their brief timely. THOMPSON & MITCHELL filed a brief for Appellees (Respondents) on the last day allowed for filing the brief and did so without paying the fee as required by statute law. Greers moved to strike the brief and the Appellate Court on its own motion denied Greers Motion To Strike by an ORDER from the Appellate Court that was **unsigned** by

any of the Appellate Court Judges or any one else.

The Appellate Court disposed of the appeal by Summary Order (See APPENDIX EXHIBIT A) and AFFIRMED. The Court cited five (5) cases as authority but gave **no opinion** of the Court. None of the cases cited were **on** point to resolve all of the issues raised on appeal and Greers filed a Petition For Rehearing which informed the Court of their error.

Although the Court in its Summary Order noted Greers issues, it failed to rule on those issues especially the issue of THOMPS)ON & MITCHELL being allowed to plractice law without having obtained a license for that purpose and not being registered to do business in the State of Illinois or the County of St. Clair.

Greers Petiltion For Rehearing was denied and Greers filed a Petition For

Leave To Appeal From The Appellate Court To The Supreme Court (of Illinois) filed September 29, 1994, cause No

Greers Petition For Leave To Appeal From The Appellate Court To The Supreme Court (of Illinois) was denied with NO OPINION GIVEN BY THE COURT and Greers filed a Motion For Leave to File and a Motion To Reconsider Petition For Leave To Appeal. Greers Motion To Reconsider Petition For Leave To Appeal was denied on January 18, 1995, again with NO OPINION by the Illinois Supreme Court. (see APPENDIX EXHIBIT B).

Greers now file this Petition For Writ of Certiorari.

REASONS FOR GRANTING THE WRIT

I

THE STATE OF ILLINOIS APPELLATE COURT FIFTH DISTRICT FAILED TO RULE ON ALL OF THE ISSUES PRESENTED FOR APPEAL, SPECIFICALLY THE ISSUES OF FIRST IMPRESSION, AND THE ILLINOIS SUPREME COURT DENIED A PETITION FOR LEAVE TO APPEAL ALL OF WHICH HAS DENIED PETITIONERS RIGHT TO HAVE THEIR ISSUES HEARD BY A COURT OF COMPETENT JURISDICTION AND THEIR CONSTITUTIONAL RIGHT TO DUE PROCESS OF LAW.

This Petition For A Writ Of Certiorari presents a significent question as to whether State Courts in Illinois can allow an entity that has no lawful existance and is not licensed to practice law, appear for and represent a different entity or person in court proceedings in Illinois.

This issue is one of first impression and there is no case law precedent on point in Illinois that addresses this issue or no opinions of record by the Courts of review in Illinois.

When this issue was presented to the Illinois Appellate Court Fifth District, the Appellate Court could cite no authority on point that would allow a law firm, partnership or any other entity to practice law if they were not licensed for that purpose and instead chose to ignore the issue completely and disposed of the appeal by Summary Order without giving any opinion of the Appellate Court. This act by the Illinois Appellate Court Fifth District denied Greers their Fifth Amendment rights of the United States Constitution which provides:

NO PERSON SHALL___BE DEPRIVED OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW

Greers Petition for leave to appeal from the Appellate Court to the Illinois Supreme Court was denied which still left Greers without their issue being reviewed which again denied Greers their Fifth Amendment rights todue process of law.

Unlike most cases where this Court is petitioned to review an opinion of a lower Court, in this cause due to the nature of the issue raised, the Illinois Courts of review chose to ignore the issue and STONEWALL the Appellants (greers) therefore there is no opinions to review and Greers must present the issue itself to this Court.

The Trial Court errored in allowing a non-licensed, non-registered partnership (law firm) that has no lawful existence of record to practice law.

In this issue,, Greers contend that a partnership, corporation, association, club firm or other entity that is not licensed or registered by or in this State and is not licensed or registered by the Illinois Supreme Court to practice law, cannow lawfully practice law in this State nor can it hire an attorney to represent a third party in any litigation in this State. Greers also contend that that entity has no power or authority to envoke the jurisdiction of the Court or come before the Court in any way except to defend against an action brought against that entity, club, association or partnership if it is not registered or licensed by or in this State.

Greers acknowledge that an individual is allowed to practice law if they meet the requirements of

Illinois S. Ct. RULE 701 and Professional Service Corporation and Association are allowed to practice pursuant to Illinois S. Ct. RULE 721, also foreign license under Illinois S. Ct. RULE 705, certain law students under Illinois S. Ct. RULE 711 and foreign legal counsel under Illinois S. Ct. RULE 712-713. There are no provisions by Illinois S. Ct. RULE, or Illinois STATUTE whereby a corporation, association, partnership, club or other type of entity may practice law in the State of Illinois unless they are registered or licensed to do business in the State or registered or licensed by the Supreme Court of Illinois to practice law in the State. 705 Illinois Compiled Statutes 205/1 (1) provides:

> NO PERSON SHALL BE PERMITTED TO PRACTICE AS AN ATTORNEY OR COUNSELOR AT LAW WITHIN THIS State without having previously obtained a license for that purpose from the supreme court of this STATE

It further provides:

> No person shall receive any compensation directly or indirectly for any legal services other than a regularly licensed attorney.
>
> The corporation, association,

partnership, club or other type of entity at question in this issue is THOMPSON & MITCHELL that has been represented to the Court, by an attorney, to be a partnership that may practice law in Illinois. In this instant cause, Marian B. Greer and Barbara Greer (Plaintiffs) filed an action (C 3-C 11 in record on appeal) against Landmark Bancshares of Illinois, Inc.Landmark Bank of Randolph County (Defendants) and NO attorney filed an entry of appearance to represent the DEFENDANTS (see Record On Appeal Also C 31, C 72). A Motion to Dismiss was filed by the Defendants (Respondents) by and through

their attorneys THOMPSON & MITCHELL. If the Motion To Dismiss (c 18) is taken as an entry of appearance, then the appearance is by THOMPSON & MITCHELL-not an individual attorney and Thompson & Mitchell is not licensed to practice law in Illinois and THOMPSON & MITCHELL are not registered to do business in the county where they maintain their office (see Stipulation in Order C 82). THOMPSON & MITCHELL is not registered with the Illinois Secretary of State (C 95). THOMPSON & MITCHELL is not registered with the Supreme Court of Illinois (C 94). These issues were raised in the Trial Court (C 31-C 33). Attorneys allegably employed by THOMPSON & MITCHELL have admitted and even stipulated that THOMPSON & MITCHELL is not registered to do business in Illinois (C 82). They have not defended against the allegations and have made no effort to show that THOMPSON & Mitchell is licensed to practice law,

nor have they filed any proof in the record that THOMPSON & MITCHELL is licensed to practice law.

Where a prima facia showing is made that attorneys had no authority to institute an action, it should be dismissed unless they prove their authority. BELL v. FARWELL, 59 NE 955 at 956, 189 Ill 414. Where it appears that one not licensed to practice law has instituted legal proceedings on behalf of another in a Court of record, such suit should be dismissed, and if suit has proceeded to judgment, that judgment is void. LEONARD v. WALSH 220 NE 2d 57 at 58, 73 Ill App 2d 45. Kevin Stine (who alleges to be an attorney employed by THOMPSON & MITCHELL) in a memorandum at C 79 states @Thompson & Mitchell is a law firm whose attorneys are licensed to practice

law under the Supreme Court of Illinois. He further states at C 78 and C 79 that THOMPSON & MITCHELL entered its appearance. (emphasis supplied). Kevin Stine signed the memorandum, C 81. The signature of an attorney or party constitutes a certificate by him that he has read the pleading, motion or other papers, and that to the best of his knowledge, information and belief formed after reasonable inquiry is well grounded in fact--. Illinois S. Ct. RULE 137.

At C 79 Kevin J. Stine certifies to the Court that THOMPSON & MITCHELL made an entry of appearance. He makes no denial against Greers assertion that THOMPSON & MITCHELL is not licensed to practice law but rather states its attorneys are licensed to practice law.
In CAHILL v.PLUMBERS etc. Local 93 et al 238 Ill App 123 at 129 it states

> "It is well settled that, in the abuse of a Statute otherwise providing, to be entitled to conduct judicial proceedings in Court, a party litigant must be either a natural or artifical person.----. Such societies, in the absence of statutes recognizing them, have no legal entity distinct from that of their members." (emphasis supplied).

Certainly to represent a litigant, a party would have to be a natural or artifical person. There is no law, or statute, or rule exempting a partnership or law firm from this requirement.

Kevin Stine gives no statutory authority whereby THOMPSON & MITCHELL may practice law, nor has he filed any certificate or document in the record to show THOMPSON & MITCHELLS authority to practice law.

An attempt to determine who was representing the Defendants (Respondents) Greers subpoened Myron Hanna to produce the contract from the Defendants(Respondents) so they could

determine who the Bank had hired to represent them. By ex-parte, Kevin Stine requested the Court quash the Subpoena Duces Tecum issued for Myron Hanna. No such Motion To Quash was filed in the record yet an ORDER was entered. C 48. Attorney must be actually employed for the purpose before he can represent a party in Court. HARING v.GODBERSEN 141 NE 2d 90 at 92, 13 Ill App 2d 95. THOMPSON & MITCHELL has no legal authority to represent another party in any Court in the State of Illinois. They are in effect an unincorporated association or entity and cannot contract in the name of THOMPSON & MITCHELL to supply legal representation for anyone. In absence of statutory authority an unincorporated association cannot enter into contract in its associate name. CHICAGO GRAIN TRIMMERS ASS'N v. MURPHY 58 NE 2d 906 at 909, 389 Ill 102.

Voluntary unincorporated associations, for the legal existance of which there is no statutory provision, have no capacity to enter into a contract. 4 AM JUR PAR 40 at 480. Capacity of associations to make or be bound by contracts.

THOMPSON & MITCHELL is taking the position of agency when it employs people then receives work or employment to perform. Greers maintained that THOMPSON & MITCHELL have **NO** legal authority to hire attorneys to represent a third party (the Respondents) and THOMPSON & MITCHELLS attorneys nor the Judge could cite any Statute, Rule, or Law to refute Greers contention. Agency cannot be proved by words of purpoted agent, but there must be corroborative evidence of agents authority. GREER v. LUDWIG 241 NE 2d 4 at 10, 100 Ill App 2d 27. Corporation cannot be licensed or permitted to practice law. Corpor-

ations can neither practice law nor hire lawyers to carry on business of practicing law for it. PEOPLE v. PEOPLES STOCKYARD STATE BANK 176 NE 901 at 906 & 907, 344 Ill 462. Although this case deals with a corporation, that corporation, to exist, would be registered with the State and if that entity that is of record and under the States control and knowledge cannot hire lawyers to carry on business or practicing law for it then certainly a non-registered, non-licensed entity such as THOMPSON & MITCHELL that has no lawful existence cannot practice law nor hire attorneys to practice law for it in the State. Considering the enormous number of cases dealing with every type of entity possible not being allowed to practice law without being licensed or registered by and with the Illinois Supreme Court for that purpose, it would appear like a bold act of prejudice and favortism for

the Court to rule that THOMPSON & MITCHELL could practice law. It also follows that the actions of the attorneys Myron Hanna and Kevin Stine, who participated in this case without filing an entry of appearance and without a contract to represent the Respondents, had no authority whatsoever to come before the Court and their actions, pleadings, arguments, filings and other papers must be stricken from the record. Myron Hanna & Kevin Stines signatures to the pleadings verifying the truth and accuracy of the statement without filing an appearance, is a fraud on the Court where they very well knew that THOMPSON & MITCHELL was not licensed to practice law. Myron Hanna and Kevin Stine did nothing in the Trial Court in their own name, everything was done through THOMPSON & MITCHELL.

Further, by not lawfully appearing in the lower Court, they have no authority to appear before this Court to do any act. For this Court to allow this type of legal practice would compromise the integrity of the Court and the assumed integrity of the legal and judicial system. It would also set a precedent whereby no one could be denied the right to practice law, licensed or not.

II

WITHOUT A REVIEW BY THIS COURT GREERS WILL BE LEFT WITHOUT A REMEDY AT LAW AND WITHOUT THEIR ISSUES BEING REVIEWED BY AN IMPARTIAL COURT OF COMPETENT JURISDICTION WHICH WILL ALSO DENY THEIR FIFTH AND SEVENTH AMENDMENT CONSTITUTIONAL RIGHTS

The Writ of Ciriorari should be granted to correct the Constitutional violations and errors of the Court of Illinois.

At the Circuit Court level after Greers proved (documents filed at (C82 C 94 and C 95) that THOMPSON & MITCHELL had no lawfull existence and was not licensed to practice law. The Trial Court Judge stated he didn't care if they were legal or not they could practice in that Court anyway.

At the Appellate Court level not only did the Court allow THOMPSON & MITCHELL to file a brief on behalf of the Defendants (Respondents) the COURT assisted Thompson & Mitchell in violating still more of the Statute Laws of the State of Illinois by allowing them to file the brief without first pay the fee required by 705 ILCS 25/3

> ---. The ordinary and contingent expenses of operating the office of the Clerk of the branches of the Appellate Court, including salaries, shall be determined by the Supreme Court-------.

And 30 ILCS 220/12

> ---m and the Respondent or Appellee, before entering an appearance or filing any paper shall pay to the clerk of the Court the sum of $15, ----. (emphasis supplied)

The Appellate Court by Summary Order (Appendix A) affirmed the Circuit Court without stating any opinion of the Court. The Court gave several case cites but did not state the holding in the cases relied upon for their reasons. NONE OF THE CASES CITED ARE ON POINT TO RESOLVE THE ISSUES ON APPEAL specifically the issue (of first impression) as to whether THOMPSON & MITCHELL can practice law in Illinois when it is not licensed for that purpose and has no lawful existance.

The Illinois Supreme Court denied Greers Petition For Leave To Appeal (APPENDIX B) and Greers have been denied their Constitutional rights to trial by jury and due process of law.

Greers rely on their Constitutional rights and the integrity of this Honorable Court for a Writ Of Certiorari to issues, to review this cause and the significant issues raised therein.

CONCLUSION

For the reasons stated herein, the Petition For a Writ of Certiorari should be granted.

ORAL ARGUMENT REQUESTED
Dated: April 17, 1995

Respectfylly submitted,

Marian B. Greer and
Barbara Greer
R 1 Box 74
Coulterville, Illinois
62237
(618) 758-2504

APPENDIX

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

Summary Order Dated: July 13, 1994

Docket No. 5-93-0784

Marian B. Greer and Barbara Greer,
Appellants,

--against--

Landmark Bancshares of Illinois, Inc.
and Landmark Bank of Randolph County,
Appellees.

SUMMARY ORDER

Plaintiffs, Marian and Barbara Greer, brought an action against Landmark Bancshares (Landmark), alleging breach of a settlement agreement, which had been executed to settle two prior suits between the parties (case

Nos. 84 CH-1 and 86-L-626.) The settlement agreement required Landmark to return the original promissory notes marked "Cancelled" convey certain real estate to the Greers free of any mortgages or liens, and assign its deficiency judgment to B&M Little Red Hen Living Trust. After case No. 86-L-626 was dismissed, the Greers brought an action to have the dismissal set aside, pursuant to section 2-1401 of the Code of Civil Procedure (735 ILCS 5/2-1401 (West 1992), alleging that the bank failed to return the original promissory note as required by the settlement agreement. The trial court found that Landmark had complied with the settlement agreement with respectto the promissory note, and the court dismissed the section 2-1401 action.

The plaintiffs thereafter filed the present action, alleging that Landmark breached the settlement agreement by

failing to return the original promissory note, failing to release and return the mortgage, and failing to release its claim to the deficiency judgment. Landmark filed a motion to dismiss which the trial court granted in part, dismissing the portions of plaintiffs' complaint premised on the alleged failure to return the promisory note. The trial court found that the issue had already been litigated in case No. 86-L-626. The plaintiffs' motion to reconsider was denied.

The plaintiffs next filed a motion for summary judgment, alleging that Thompson & Mitchell had no legal authority to represent Landmark. The trial court denied the motion.

Plaintiffs appealed, and this court dismissed the appeal as being based on interlocutory orders. This

court also denied Plaintiffs' motion to strike in which they asserted that Thompson & Mitchell was not properly before the court.

Landmark thereupon filed a motion for summary judgment, which the trial court granted, finding that there were no genuine issues of material fact. The trial court also awarded Landmark attorney fees pursuant to the terms of the settlement agreement.

On appeal, plaintiffs argue that the law firm of Thompson and Mitchell is not licensed to practice law, nor is it registered with the Secretary of State, and therefore it could not represent Landmark in any legal proceedings. Plaintiffs also argue that the trial court erred in granting summary judgment for Landmark because Landmark never released its claims as required by the settlement agreement; and that the trial court denied

plaintiffs a trial by jury in case No. 86-L-626 and on their section 2-1401 action to set the dismissal aside when it ruled that the issue had already been litigated.

Under the authority of Greer v. Yellow Cab Co. (1991), 221 Ill. App 3d 908, 582 N.E. 2d 1292, Beal v. Kuptchian (1987), 164 Ill. App 3d 191, 517 N.E. 2d 712, Stratemeyer v. West (1985), 136 Ill. App 3d 1095, 484 N.E. 2d 399, and Empire Moving and Warehouse Corp. v. Hyde Park Bank & Trust Co. (1976), 43 Ill. App. 3d 991, 357 N.E. 2d 1196, the judgment of the circuit court of Madison County is affirmed in accordance with Supreme Court Rule 23(c)(2) and (7) (as amended, effective July 1, 1994).

Affirmed.

RARICK,J., with LEWIS, P.J. and MAGG,J., concurring.

SUPREME COURT OF ILLINOIS
Supreme Court Building
Springfield 62709

January 18, 1995

Ms. Barbara Greer
R. R. 1, Box 74
Coulterville, Illinois 62237

Dear Ms. Greer:

THE COURT HAS TODAY ENTERED THE FOLLOWING

ORDER IN THE CASE OF:

No. 77869 - Marian B. Greer et al., petitioners, v. Landmark Bancshares of Illinois, Inc., et al., respondents.

Motion by petitioners for leave to file a motion for reconsideration of the order denying petition for leave to appeal. Motion denied.

The mandate in this cause has issued today.

JH: jmb

cc: Deborah J. Mehrmann